

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSE AYALA, SR.,
Plaintiff,

v.

TASTY BAKING COMPANY, and
LOCAL 6 BAKERY CONFECTIONERY
AND TOBACCO WORKERS
INTERNATIONAL,
Defendants.

CIVIL ACTION

NO. 22-3849

ORDER

AND NOW, this 21st day of August, 2024, upon consideration of Defendants' Motion to Exclude the Testimony of Dr. Noa Glick (ECF No. 61); Defendants' Motion for Summary Judgment (ECF No. 62), as well as Plaintiff's responses thereto (ECF Nos. 72, 73); and, Defendants' Motion to Strike Plaintiff's Opposition to Summary Judgment, as well as all responses and replies thereto (ECF Nos. 78, 79, 80), it is **HEREBY ORDERED** that:

1. Defendants' Motion to Exclude the Testimony of Dr. Noa Glick (ECF No. 61) is **GRANTED**.
2. Defendants' Motion to Strike Plaintiff's Opposition to Summary Judgment is **GRANTED**.
3. Defendants' Motion for Summary Judgment is **GRANTED IN PART AND DENIED IN PART** as follows:
 - a. Count I: **DENIED** as to Plaintiff's Section 1981 claim for hostile work environment related to race, and **GRANTED** in all other respects;
 - b. Count II: **DENIED** as to Plaintiff's Title VII claim for hostile work environment related to race, and **GRANTED** in all other respects;
 - c. Count III (Title VII retaliation) – **GRANTED**;
 - d. Count IV (ADA disability discrimination and failure to accommodate) – **GRANTED**;

- e. Count V (ADA retaliation) – **GRANTED**;
- f. Count VI (FMLA interference and retaliation) – **GRANTED**;

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.